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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/25/2024

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February 23, 2024

Via ECF

Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Room 2230
New York, New York 10007

Re: *Golubovych v. Saks 5th Avenue, Inc.*
Civil Action No. 22-cv-09923 (MKV)

Dear Judge Vyskocil:

We represent Saks & Company LLC (“Defendant” or “Saks”)¹ in the above referenced action. On November 20, 2023, Defendant filed a letter-motion (hereafter the “Motion to Strike,” ECF Dkt. No. 44) requesting that the Court strike from the docket, or alternatively, seal the letter Plaintiff filed with the Court on November 15, 2023. See ECF Dkt. No. 43. As set forth in Defendant’s Motion to Strike, Defendant requested that Plaintiff’s November 15, 2023 Letter be removed from the docket because it discussed her confidential communications with her court-appointed counsel and the mediator, and also discussed a settlement amount that was purportedly offered to her. Subsequently, Plaintiff filed two additional letters in which she again discussed a settlement amount that was purportedly offered to her. See ECF Dkt. Nos. 46 and 54.

On February 14, 2024, the Parties appeared for a status conference before the Court (the “Status Conference”). At this Status Conference, the Court addressed Defendant’s Motion to Strike. The Court explained to Plaintiff that settlement communications, particularly discussions regarding potential settlement amounts, are confidential and not to be filed on the public docket. The Court directed Defendant to file redacted versions of any letters Plaintiff filed in which she made reference to any settlement amounts purportedly offered to her, redacting any references to settlement amounts purportedly offered to her. Further, the Court instructed Defendant to provide Plaintiff with a copy of the redacted versions of these letters before filing. In accordance with the Court’s directive, on February 19, 2024, Defendant’s counsel sent redacted versions of the three letters Plaintiff previously filed (ECF Dkt Nos. 43, 46 and 54) to Plaintiff for her review. In response, Plaintiff objected to Defendant’s proposed redactions to her November 15, 2023 and

¹ Plaintiff improperly names Saks 5th Avenue, Inc. as Defendant in this case.

November 27, 2023 letters, stating as follows :

Good evening Mr. Reiter,

In response to your email on February 19, 2024, I have to say the following.

As I didn't sign any Confidentiality Agreement with Susanne Keane, Attorney For the New York Legal Assistance Group, Clinic for Pro Se Litigants, and, as she was the one who named this amount...dollars and repeated this amount again and again since August 8, 2023, I absolutely object to any intention to strike from the docket the letters dated November 15, 2023 and November 27, 2023.

This offer is part of bullying and harassment on the part of Mrs. Keane and on the part of Mr. Reice, to which I was subjected during the premeditated process and during the mediation meeting.

This amount of money for so called "settlement" has to be part of the lawsuit if I sue.

As for the letter dated December 7, 2023, you can proceed and redact the reference to monetary offer only.

See Exhibit A.

Plaintiff's refusal to redact any references to settlement amounts purportedly offered to her in the November 15, November 27 and December 7, 2023 letters directly contradicts the Court's directive from the Status Conference. Accordingly, Defendant submits the attached redacted versions of Plaintiff's November 15, November 27 and December 7, 2023 letters, redacting all discussions of any settlement amounts purportedly offered to her. Defendant respectfully requests the filed versions of such documents be placed under seal and replaced with the redacted versions on the public facing docket.

Respectfully submitted,

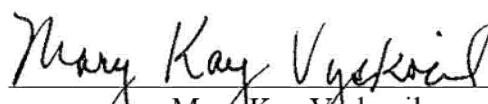
s/ Justin W. Reiter

Justin W. Reiter

For FISHER & PHILLIPS LLP

GRANTED. The Clerk of Court is respectfully requested to place ECF Nos. 43, 46, 52 under seal. Defendants shall subsequently submit the attached redacted replacement filings. SO ORDERED.

Date: 2/25/2024
New York, New York


Mary Kay Vyskocil
United States District Judge